

# Town Board Minutes

January 22, 2008

Meeting No. 3

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 22<sup>ND</sup> day of January 2008 at 8:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM , COUNCIL MEMBER  
DANIEL AMATURA, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
DAVID MARRANO, ASSESSOR  
TERRENCE McCracken, GENERAL CREW CHIEF  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

## **EXECUTIVE SESSION:**

UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing two particular personnel matters.

At 11:07 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

**PERSONS ADDRESSING TOWN BOARD:**

**Chowaniec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Aurora Market's violations
- traffic study
- Cross Creek Subdivision

**Lukowski, Donna**, 129 Brunck Road, spoke to the Town Board on the following matters:

- traffic concerns in south end of town
- drainage concerns near her home

**Gull, Henry**, 710 Pavement Road, spoke to the Town Board on the following matter:

- Lancaster Rural Cemetery

**Galczynski, Martin**, 2 Northwood Drive, spoke to the Town Board on the following matter:

- drainage concerns at NEC Transit/William (Wal Mart)

**Schneggenburger, Roy**, 87 Stony Road, spoke to the Town Board on the following matters:

- Minutes of the Town Board
- expenses related to Memorial Day, Independence Day and Taste of Lancaster
- Cross Creek Subdivision

**Symer, Donald**, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- Lancaster Rural Cemetery

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to Town Ordinance Section 22-8 entitled “Dumping and Deposition of Materials Outside Permitted Sanitary Landfills.”

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
None		

ON MOTION BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, the public hearing was closed at 8:31 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

January 22, 2008

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Organizational and Regular Meeting of the  
Town Board held January 7, 2008 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 22, 2008

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS,** The Town of Lancaster seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to scan various Town Board Minutes and Zoning Board of Appeals Minutes for posting on the Town’s website;

**NOW, THEREFORE BE IT**

**RESOLVED,** that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Education Department State Archives for the purpose of securing this grant, and

**BE IT FURTHER**

**RESOLVED,** that the Supervisor and Town Clerk be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 22, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the General Crew Chief of the Parks & Recreation Department of the Town of Lancaster by letter dated January 14, 2008, has recommended the appointment of John Sroda to the position of Van Driver, at the Senior Citizens Center of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that John Sroda, 9 Hawthorne Trail, Depew, New York be and is hereby appointed to the position of Van Driver, part time, permanent at the Senior Citizens Center of the Town of Lancaster effective January 23, 2008, at the rate of \$8.25 per hour, and that this appointment, being a part time position provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part time employees.

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 22, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED IT’S ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, §1660 (18) Vehicle and Traffic Law of the State of New York  
authorizes the Town to restrict and prohibit the parking of vehicles on all roads within the  
Town except State highways, and

**WHEREAS**, the Town Board of the Town of Lancaster deems it in the public  
interest to make certain amendments to the Town Ordinance entitled, “VEHICLE AND  
TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE  
OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF  
LANCASTER”,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Section 130 of the Town Law of the State of  
New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance,  
Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will  
be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 4th day of February,  
2008, at 8:30 o’clock P.M., Local Time, and that Notice of the Time and Place of such hearing  
be published on or before January 24, 2008, in the Lancaster Bee, the Official Newspaper,  
being a newspaper of general circulation in said Town, and be posted on the Town Bulletin  
Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 22, 2008

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 22nd day of January, 2008, the said Town Board will hold a Public Hearing on the 4<sup>th</sup> day of February, 2008, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

**CHAPTER 46**

**ARTICLE X**

**ARTICLE X - Parking, Standing and Stopping.**

**46-14.        Parking time limited in designated locations.**

- A.    The parking of a vehicle is hereby prohibited in the following locations for a period of longer than two hours between the hours of 9:00 a.m. and 3:00 p.m. daily, Monday through Friday:

.....

- (5)        Shadyside Lane.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By:    JOHANNA M. COLEMAN  
Town Clerk**

January 22, 2008



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the Executive Director of the Youth Bureau, by letter dated January 16, 2008, has recommended the appointment of Sarah Fitzpatrick, 140 Siebert Road, Lancaster, New York 14086 to the position of regular part time tutor with the Youth Bureau of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that **Sarah Fitzpatrick**, 140 Siebert Road, Lancaster, New York 14086 be and is hereby appointed to the position of tutor regular part time not to exceed nineteen hours per week in the Town of Lancaster Youth Bureau at the rate of \$16.00 per hour, and that this appointment, being a part time position, provides no health insurance, sick days, vacation, or other fringe benefits not specifically mandated for regular part time employees. That this appointment shall be effective January 22, 2008.

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 22, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED IT’S ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, §1660 (18) Vehicle and Traffic Law of the State of New York  
authorizes the Town to restrict and prohibit the parking of vehicles on all roads within the Town  
except State highways, and

**WHEREAS**, the Town Board of the Town of Lancaster deems it in the  
public interest to make certain amendments to the Town Ordinance entitled, “VEHICLE AND  
TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF  
NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF  
LANCASTER”,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Section 130 of the Town Law of the State of  
New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance,  
Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will  
be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 4th day of February,  
2008, at 8:35 o’clock P.M., Local Time, and that Notice of the Time and Place of such hearing  
be published on or before January 24, 2008, in the Lancaster Bee, the Official Newspaper, being  
a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board,  
which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 22, 2008

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 22nd day of January, 2008, the said Town Board will hold a Public Hearing on the 4<sup>th</sup> day of February, 2008, at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

**CHAPTER 46**

**ARTICLE X**

**ARTICLE X - Parking, Standing and Stopping.**

**46-12.        Parking prohibited in designated locations.**

A.    The parking of a vehicle is hereby prohibited in any of the following locations:

(15)        Countryside Subdivision

.....

(k)        On the north side of Country Place west of the Sara Lane intersection and continuing for 175 feet.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By:    JOHANNA M. COLEMAN  
Town Clerk**

January 22, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPIAK, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Director of Administration and Finance, to wit:

Claim No. 232 to Claim No. 514 Inclusive

Total amount hereby authorized to be paid: \$494, 951.12

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 22, 2008

File: Relaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby  
reaffirmed:

**CODES:**

**(SW)** = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for  
this permit.

**(CSW)** = Conditional sidewalk waiver.

**(V/L)** = Village of Lancaster

**NEW PERMITS:**

15318	Southpaw Const.	5538 Broadway	Re-Roof House	(V/L)
15319	Iseppon, Ivan	691 Ransom Rd	Inst. Generator	
15320	Bill's Boys	394 Harris Hill Rd	Er. Res. Alt.	
15321	Crist Construction	27 Southpoint Dr	Er. Res. Add.	
15322	Marrano/Marc Equity	45 Avian Way	Er. Dwlg.-Sin.	
15323	Marrano/Marc Equity	50 Avian Way	Er. Dwlg.-Sin.	
15324	A Best Inc	109 Pleasant Ave	Re-Roof House	(V/L)
15325	Forbes-Capretto Homes	29 Sawgrass Ln	Er. Dwlg.-Sin.	
15326	L M Bahas LLC	5428 Genesee St	Er. Fence	
15327	Parco Building Systems	192 Erie St	Er. Comm. Add.	(V/L)

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk  
waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks,  
and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for  
conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance  
required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of  
Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the  
property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll  
call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 22, 2008

## **COMMUNICATIONS & REPORTS:**

28. Town Clerk to Town Board -  
Monthly report for December 2007. DISPOSITION = Received & Filed
29. Roy Schneggenburger to Town Board -  
Comments and concerns regarding Cross Creek Subdivision and Ellicott Creek.  
DISPOSITION = Received & Filed
30. NYS Commissioner of Motor Vehicles to Captain Riccardo Zuppelli -  
Notice of award to participate in NYS "Selective Traffic Enforcement Program".  
DISPOSITION = Received & Filed
31. Time Warner Cable to Supervisor -  
Transmittal of documentation regarding current franchise fee. DISPOSITION =  
Received & Filed
32. Zoning Inspector, Town of Cheektowaga to Supervisor -  
Request appointment of representative to participate on Comprehensive Plan Steering  
Committee. DISPOSITION = Council Member Stempniak
33. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant,  
Deputy Town Attorney, Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held January 2, 2008. DISPOSITION = Received &  
Filed
34. National Fuel to Supervisor -  
Letter of explanation regarding new natural gas rates and Conservation Incentive  
Program. DISPOSITION = Received & Filed
35. Planning Board to Town Board -  
Notice of adjournment to January 16, 2008 meeting regarding rezone petition of 4745  
William Street; comments noted. DISPOSITION = Received & Filed
36. Fox & Company LLP to Town Board -  
Notice of change of name and address of Fox & Company. DISPOSITION = Received  
& Filed
37. General Crew Chief to Planning Board, Town Board Members Abraham, Ruffino, &  
Stempniak -  
Notice from Town Forestry Department of acceptance with additions regarding  
landscape plan for Aldi Food Store, 4937 Transit Road. DISPOSITION = Planning  
Committee
38. New York State Insurance Fund to Town Board -  
Letter of welcome and introduction as workers' compensation carrier. DISPOSITION  
= Received & Filed
39. Dale M. Volker, NYS Senator to Supervisor -  
Letter of acknowledgment for funding request for commemoration of Town's 175<sup>th</sup>  
celebration. DISPOSITION = Received & Filed
40. Town Clerk to Town Board -  
Annual report for 2007. DISPOSITION = Received & Filed
41. Genesee Engineering Planning & Surveying, P.C. to Planning Board Chairman -  
Response to comments regarding re-zone application for Herdzik Property, 4745  
William Street. DISPOSITION = Planning Committee
42. Planning Board Chairman to Village of Lancaster Planning Commission -  
Comments and concerns regarding Benderson site plan for southwest corner of Central  
Avenue & Walden Avenue. DISPOSITION = Planning Committee
43. General Crew Chief to Supervisor -  
Request to appoint John Sroda as Van Driver, Part Time. DISPOSITION = Resolution  
1/22/08

44. Town Attorney to Town Board, Planning Board -  
Transmittal of letter from NYS DEC regarding proposed Transit Commons retail development. DISPOSITION = Planning Committee
45. Erie County to Supervisor, Town Board -  
Notice of lead agency designation regarding SEQR for site plan of Upstate Rebar LLC, s.e. corner Walden Avenue and Townline Road, comments and concerns noted.  
DISPOSITION = Planning Committee
46. NYS Division of Criminal Justice Services to Captain Tim Murphy -  
Notice of award for 2007/08 IMPACT grant for license plate reader. DISPOSITION = Received & Filed
47. Lancaster Central School District to Supervisor -  
Notice of renovation and reconstruction projects at various school buildings.  
DISPOSITION = Received & Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER STEMPNIAK, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED,** the meeting was adjourned at 11:07 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk